

The 26th June, 1980

No. 11(112)-80-3Lab/8226.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Idco Dyes & Chemicals Private Ltd. Bahadurgarh (Sonepat).

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 277 of 1978

between

SHRI CHANDER BHAN, WORKMAN AND THE MANAGEMENT OF M/S IDCO DYES AND CHEMICALS PRIVATE LTD., BAHADURGARH (SONEPAT).

Present :—Shri D. C. Chadha, for the management

No one for the workman.

#### AWARD

This reference has been made over to this court by the Hon'ble Governor of Haryana,—vide his Order No. ID/SPT/103-78/43159, dated 27th September, 1978, under section 10(1)(c) of the Industrial Disputes Act, for adjudication of the dispute existing between the workman Shri Chander Bhan and the management of M/s. Idco Dyes & Chemicals Private Ltd., Bahadurgarh (Sonepat). The term of the reference was :—

“ Whether the termination of services of Shri Chander Bhan was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference notices as usual were sent to the parties. The workman was not present and a fresh notice was ordered to be sent to him by Registered Post for 29th December, 1978. On 29th December, 1978, the parties appeared. The workman did not file his claim statement and the case was adjourned to 25th January, 1979. On 3rd May, 1979 the following issues were framed on the basis of the pleadings of the parties :—

1. Whether the workman abandoned his job of his own accord and the management did not terminate the services ?
2. Whether the workman took part in an illegal strike and his services were automatically interrupted in section 25(b) of the Industrial Disputes Act ?
3. Whether the termination of the services of the workman was justified and in order ? If not, to what relief is he entitled ?

The case was adjourned to 6th July, 1979, for evidence of the management. Several adjournments were granted on one account or the other and on 4th February, 1980 no one was present on behalf of the workman and the workman was proceeded against *ex parte*. The case was then fixed for *ex parte* evidence of the management to be recorded on 13th February, 1980 and after obtaining several adjournments on 23rd May, 1980 the authorised representative of the management made the following statement :—

“ The workman Shri Chander Bhan has died, a certificate from the Sarpanch, Gram Panchayat, Khadoli, District Meerut to this effect, which is dated 14th May, 1980 is presented and its photo copy is Ex. M-1. On his death the demand raised by the workman leading to this reference abates. But the management in a gesture good will and sympathy with the family of the deceased worker is ready to pay his legal remuneration. The amount of gratuity and the service compensation, leave due if any, Bonus if any due for the period he remained in service of the company. The award may be made accordingly.”

In view of the statement of the authorised representative of the management and the certificate of death of the workman, Shri Chander Bhan Ex. M-1 the demand raised by the workman for reinstatement and back wages leading to this reference abates being a personal right. The management is ready to pay his legal dues to his legal heirs including the amount of gratuity, the service compensation, earned leave wages and the bonus due if any for the period he remained in the service of the respondent company.

Under these circumstances I pass the award in terms of the statement of the authorised representative of the management as recorded above and answer the reference while returning the same in these terms. No order as to cost.

Dated the 14th June, 1980.

BANWARI LAL DALAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Endorsement No. 1593, dated the 20th June, 1980

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 11(112)-80-3Lab/8228.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Unimax Laboratory, Plot No. 7, Sector 24, Faridabad.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, FARIDABAD.  
Reference No. 41 of 1979

between

SHRIMATI MADHU BALA, WORKMAN AND THE MANAGEMENT OF M/S UNIMAX  
LABORATORY, PLOT NO. 7, SECTOR 24, FARIDABAD

Present :—Shrimati Madhu Bala, workman in person with Shri P. K. De.  
Shri R. C. Sharma, for the Management.

#### AWARD

This reference No. 41 of 1979 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/71—79/51147, dated 3rd December, 1979 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shrimati Madhu Bala workman and the management of M/s Unimax Laboratory, Plot No. 7, Sector 24, Faridabad. The term of the reference was :—

"Whether the termination of services of Shrimati Madhu Bala was justified and in order? If not, to what relief is she entitled?"

After receiving this reference notices were issued to both the parties and both the parties appeared before this court through their authorised representatives. On the pleadings of the parties, the following issues were framed on 13th February, 1980 :—

1. Whether the workman abandoned her service at her own will by absenting? If so, to what effect?
2. Whether the termination of the services of the workman was justified and in order? If not, to what relief is she entitled?
3. Relief.

No other issue was pressed or prayed for. To-day the case was fixed for the evidence of the management, when the workman Shrimati Madhu Bala made a statement in this court that she has received a sum of Rs. 1,600 (Rs. One thousand and six hundred only) in full and final settlement of her all claims including the right of re-instatement or re-employment with the respondent Company. She further stated that now there is no dispute left with the respondent management. This statement was duly agreed to by the representative of the management and there was no dispute left between the parties.

I thus relying on the statement of Shrimati Madhu Bala workman hold that the demand raised by the workman against the management leading to this reference has been duly satisfied. There is now no dispute remains to be adjudicated between the parties, therefore, I give my award accordingly. No order as to costs. So this award is in answer of this reference.

Date the 17th June, 1980.

I. P. CHAUDHARY,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad

Endorsement No. 978, dated the 20th June, 1980

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHARY,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.